



Entered on Docket  
October 12, 2007

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re: ) Case No. BK-S-06-10725-LBR  
USA COMMERCIAL MORTGAGE ) Case No. BK-S-06-10726-LBR  
COMPANY, ) Case No. BK-S-06-10727-LBR  
USA CAPITAL REALTY ADVISORS, ) Case No. BK-S-06-10728-LBR  
LLC, ) Case No. BK-S-06-10729-LBR  
USA CAPITAL DIVERSIFIED TRUST ) CHAPTER 11  
DEED FUND, LLC, ) Jointly Administered Under Case No. BK-S-06-  
USA CAPITAL FIRST TRUST DEED ) 10725 LBR  
FUND, LLC, ) Date: September 28, 2007  
USA SECURITIES, LLC, ) Time: 1:30 p.m.  
Debtors. )  
Affecting:  
 All Cases  
or Only:  
 USA Commercial Mortgage Company  
 USA Capital Realty Advisors, LLC  
 USA Capital Diversified Trust Deed Fund,  
LLC  
 USA Capital First Trust Deed Fund, LLC  
 USA Securities, LLC

1           **ORDER SUSTAINING OBJECTION OF THE USACM LIQUIDATING TRUST  
2           TO PROOF OF CLAIM OF MALCOLM JR AND JOAN B TELLOIAN  
3           ASSERTING PRIORITY STATUS**

4           The USACM Liquidating Trust (the “USACM Trust”) filed its Objection to Proof  
5           of Claim of Malcolm Jr. and Joan B. Telloian (“Telloian”) Asserting Priority Status [DE  
6           4588] (the “Objection”) on August 20, 2007. Appropriate notice of the Objection was  
7           given. There were no responses to the Objection.

8           The Objection came before the Court for hearing on September 28, 2007 at 1:30  
9           p.m. Good cause appearing, it is

10           **ORDERED:**

- 11           •       Sustaining the Objection of the USACM Trust to Proof of Claim of Telloian  
12           Asserting Priority Status;
- 13           •       Reclassifying Proof of Claim No. 10725-02465 filed by Telloian as a general  
14           unsecured claim; and
- 15           •       Reserving the right of any party in interest, including the USACM Trust, to  
16           further object to Proof of Claim No. 10725-02465 as an unsecured claim or otherwise,  
17           whether or not the subject of this Objection.

18                                  ###

19           PREPARED AND SUBMITTED:

20           **LEWIS AND ROCA LLP**

21           By: /s/ RC (#0006593)  
22                                  Susan M. Freeman  
23                                  Rob Charles  
24                                  *Attorneys for USACM Liquidating Trust*

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3       The Court waived the requirements of LR 9021.
- 4       I have delivered a copy of this proposed order to all counsel who appeared at the  
5 hearing, any unrepresented parties who appeared at the hearing, and any trustee  
6 appointed in this case, and each has approved or disapproved the order, or failed  
7 to respond, as indicated below:
- 8       approved the form of this order;
- 9             waived the right to review the order;
- 10            failed to file and serve papers in accordance with LR 9021(c); and/or
- 11            failed to sign and return this proposed order within five (5) business days  
12 in accordance with LR 9021(b).
- 13       I have delivered a copy of this proposed order to all attorneys and unrepresented  
14 parties who appeared at the hearing regarding this matter and/or who filed a  
15 written objection and all have either approved the form of this order, waived the  
16 right to review the order, failed to file and serve papers in accordance with LR  
17 9021(c) and the following have disapproved the form of the order.
- 18       No opposition was filed and no other party or counsel appeared at the hearing.

15 **LEWIS AND ROCA LLP**

16 By: /s/ RC (#0006593)

17 Susan M. Freeman

18 Rob Charles

19 *Attorneys for USACM Liquidating Trust*

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